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# Second Generation Electronic Filing Specifications

## 2GEFS Concepts

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## ADMINISTRATIVE OFFICE OF THE COURTS

INFORMATION SERVICES DIVISION

## Introduction

This document is intended to establish a common reference for matters relating to the California Second Generation Electronic Filing Specifications (2GEFS) project. Version 1.1 is the first update of the original version released for review and comment by 2GEFS Participants. Subsequent revision or extension is expected as lessons are learned during 2GEFS Phase 2 (interoperability testing). This document will remain subject to change by the consensus of Participants and approval by the California AOC.

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## Revision History

Date	Version	Revisions.
8 May 2003	0.10, 0.11	Final revisions, released for comment.
12 May 2003	1.0	References updated, California Rules of Court added.
31 July 2003	1.1.1	Rule 981.5 (expired) added for historical reference. Rule 2077 Electronic access to court calendars, indexes, and registers of actions added. Relationships Among Court Specifications v.0.1 incorporated into this document, Schema Framework description added. "Service of Process" definition amended. Comparison to Standards for Electronic Filing Processes added. Use Case Examples section deleted.

## Vocabulary

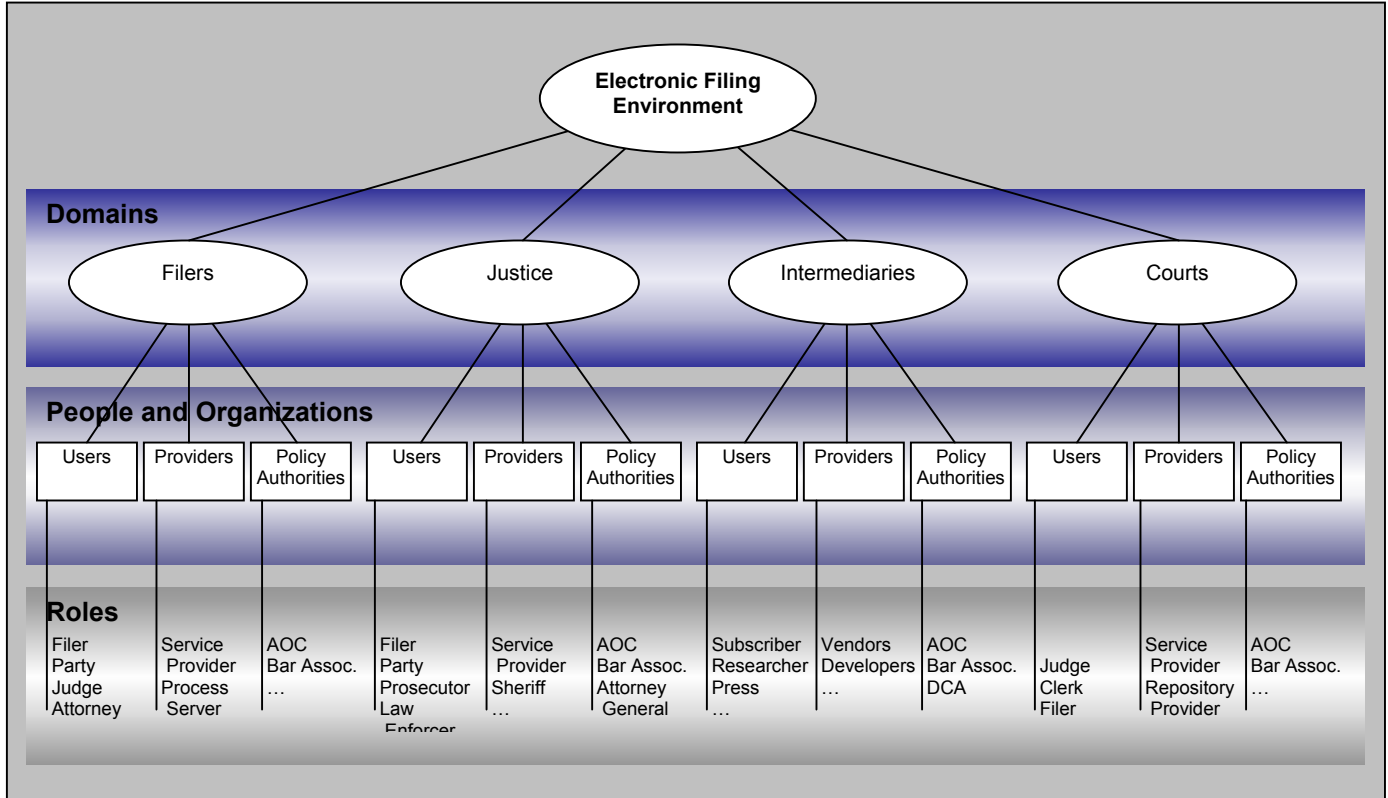
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Imprecise or ambiguous terminology may be endemic to any new and quickly evolving discipline, and the consequences can be profound.<sup>1</sup> The 2GEFS project uses a formally defined vocabulary as documented here to improve clarity of discussions, documents, and specifications issued under its auspices.

This presentation of the 2GEFS vocabulary is organized hierarchically in terms of entities representing electronic filing participants (the "people" and "organizations") and in terms of electronic filing applications and functions (the "systems"), and all subordinate members of the "Electronic Filing Environment". The participant hierarchy consists of Domains, People and Organizations, and their Roles. The application hierarchy consists of Systems and System Functions. General terms are also included in the vocabulary.



## Domains

A system for end-to-end electronic filing capability, referred to here as an "Electronic Filing Environment", is defined for 2GEFS as consisting of the following four Domains.

<sup>1</sup> For instance, the term EFP (Electronic Filing Provider) was originally introduced around 1999 as a label for an application for creating or sending electronic filings to courts. By 2000 it had morphed into the concept of a service provider, an organizational entity such as a business or court. The dual meanings of the term were confusing, so the term EFSP (Electronic Filing Service Provider) was introduced to designate the organizational entity. By 2002 EFSP had itself morphed into a label for an application functioning between filers and courts, and the dual meanings again cause confusion. By way of another example, the term EFM (Electronic Filing Manager) means very different things to different people, with a multitude of functions attributed to it.

Domain	Description
Filer	The people and organizations that exist in an Electronic Filing Environment and that generally are senders and receivers of court documents to and from the Court domain.
Court	Adjudicatory bodies that are generally the final receivers of court documents submitted by members of the Filer or Justice domains. Courts also pass documents on to the Justice domain, but this type of transaction is beyond the scope of this document.
Intermediary	People or organizations that are not normally members of the Filer, Court, or Justice domains and that act as forwarders of electronic documents, provide software, support services, or other value-added services to the other domains.
Justice	The Justice Domain consists of law enforcement and other government agencies with special relationships to courts. The Justice Domain shares many of the attributes of the Filer domain. It is distinguished, however, by four special attributes: (a) the trust relationship between Court and Justice domains is stronger than the Court and Filer domain, (b) they operate under statutes or with special legal requirements, (c) they generally do not pay fees to courts for filings, and (d) they are generally funded by taxpayers and have a different business model than may exist in the Filer domain.

## People and Organizations (Actors)

Each Domain has both People and Organizations (Actors).<sup>2</sup> In the judicial/legal environment a given person or organization typically operates in multiple roles which may change or alternate through the course of a case. The 2GEFS vocabulary defines three terms for People and Organizations to which multiple roles can be associated.

People / Organization	Description
User	A person who interacts with an Electronic Filing Environment.
Provider	A person or organization that provides services or software to Users.
Policy Authority	An organization that has legal, policy, or rule-making authoring in an Electronic Filing Environment, such as a Supreme Court or an Administrative Office of the Courts.

## Roles

Each person or organization may have **one or more** Roles in any given Electronic Filing Environment. Some Roles are exclusive to a given category of People and Organizations; some are not. The following table identifies and defines the common set of Roles.

<sup>2</sup> The term "Actor" has been used in other specifications, but has resulted in disproportionate confusion for developers of specifications and software, and since it is not a legal term, for users (filers and courts) as well. "People and Organizations" is the preferred term for the 2GEFS project, though the convention of using "Actor" in use cases is retained.

<b>Actor</b>	<b>Role</b>	<b>Description</b>
<b>User</b>	Filer	A person or an organization that files documents into a Court.
	Court	The recipient of an electronic filing.
	Clerk	An employee of a court responsible for processing filings.
	Party	A person or organization that is a litigant, plaintiff, defendant, friend of the court, or other non-official that is a participant in a given case.
	Attorney	A person that is a legal representative to a Party.
	Judge	A person who adjudicates cases.
	Official	A person that is an officer or administrator of the Court, or represents a governmental or special-purpose agency charged with special duties to the Court.
	Law Enforcement	A person or organization that enforces the law in a jurisdiction.
	Researcher	A person or organization that is not necessarily a Filer but has access to court records.
<b>Providers</b>	Service Provider (SP)	A person or organization that provides electronic filing services or software to Filers, Courts, or Justice users
	Process Server	A person or organization that serves documents on Parties.
	Repository Provider	An organization that provides trustworthy repository services for filings or documents within an Electronic Filing Environment.
<b>Policy Authorities</b>	(California) Administrative Office of the Courts (AOC)	An organization exercising policy control over the state's Electronic Filing Environment.
	(California) Judicial Council	An organization exercising policy control over the judicial branch of California including the trial, appellate and Supreme Court and the California Administrative Office of the Courts.
	State Bar Association	An organization to which Attorneys belong, an issuer of identifiers, and which under state statutes may exert disciplinary and other controls over Attorneys.

As noted, a person or organization may have several roles at a given instant, or during the course of a case. For example, a person may be both a Filer and a Party, and a plaintiff or defendant. Likewise, a Judge becomes a Filer when he or she electronically issues an order or judgment. The following table endeavors to identify common Roles within Domains.

<b>Role</b>	<b>Person / Organization</b>	<b>Domains</b>			
		<b>Filer</b>	<b>Justice</b>	<b>Intermediary</b>	<b>Court</b>
Filer	User	✓	✓		✓
Court	User	✓			✓



Role	Person / Organization	Domains			
		Filer	Justice	Intermediary	Court
Clerk	User	✓			✓
Party	User	✓	✓		
Attorney	User	✓	✓		✓
Judge	User	✓			✓
Official	User	✓	✓		✓
Law Enforcement	User	✓	✓		
Researcher	User	✓	✓	✓	✓
Service Provider	Provider		✓	✓	✓
Process Server	Provider	✓			
Repository Provider	Provider		✓	✓	✓
Administrative Office of the Courts	Policy Authority			✓	
Judicial Council	Policy Authority			✓	
State Bar Association	Policy Authority			✓	

For entities representing electronic filing participants, Roles are the most specific elements of the 2GEFS vocabulary hierarchy. We turn next to a technology-related vocabulary.

## Systems

This portion of the 2GEFS vocabulary is organized hierarchically in terms of electronic filing applications and functions.

System	Abbrev.	Description
Filing Application	FA	An application used by Filers to prepare electronic filings. It may be a desktop application or a web-based application provided by a Service Provider, or a subsystem of a larger system such as a law firm's practice management system.
Electronic Filing Manager	EFM	An application (or applications) used to process filing exchanges. It implements Court Filing and Request/Response transmissions, and accesses and interprets Court Policy XML. If it communicates with a CMS it does so using the CMS API (via Court Adaptor Application middleware when needed).
Service Provider Application	SPA	Ancillary applications operated by a Service Provider, not directly described by a 2GEFS specification.
Court Adapter	CA	Middleware interfacing an Electronic Filing Manager application to a Court's CMS/DMS.
Case Management System	CMS	An application for supporting Court operations. Document management (DMS) capabilities are included unless specifically noted otherwise.
Document Management System	DMS	An application for storing and retrieving Court documents. Unless noted otherwise, incorporated into the term CMS.
Court Applications		A Court's CMS, DMS, and any other applications that receive or provide data/documents somehow related to electronic filings.

## System Functions

There is no single way in which applications in an Electronic Filing Environment need be constructed. Certain technical functions may belong to only one Domain, but others can reasonably be deployed in two or more Domains. The following table endeavors to identify basic application capabilities that are required or optional for electronic filing applications. It also seeks to identify the applications (in the *Candidate Systems* column) in which the functions might reside. These System Functions are used as building blocks for e-filing Models (see below). The *In 2GEFS Scope* column indicates whether the System Function is included, controlled or significantly affected by a 2GEFS specification.

System Function	Description	In 2GEFS Scope
Registration and Access Control	Creation and maintenance of Service Provider and/or Filer profiles and their associated access privileges.	Partial (R/R).
Document Integrity and Authentication	Mechanisms for proving the legitimacy of a document.	Partial (CF).
Filing Assembly	Used by a Filer to prepare a package of documents and data for filing.	No.
Court Policy XML Interpretation	Retrieves Court Policy XML uses that information to configure the application in question for exchanges with a particular court.	Yes (CP).
Court Policy XML Generation	Creates (portions of) Court Policy XML.	Yes (CP).
Court Filing XML Interpretation and Packaging	Assembles and disassembles XML files in accordance with 2GEFS Court Filing specification.	Yes (CF).
Request/Response XML Interpretation and Packaging	Assembles and disassembles XML files in accordance with 2GEFS Request/Response specification.	Yes (R/R).
Network Interface	Receives and transmits XML from or to the Internet.	No.
Payments	Provides information about filing fees, transaction fees, or payments to Courts.	Partial (CF, CP).
Billing	Service Provider billing of clients or subscribers.	No.
API Transport Conversion	A Court Adapter function that converts or bridges the technology of an EFM application into one compatible with a CMS application (e.g., Java to COM).	No.
API Method Translation	A Court Adapter function that translates 2GEFS CMS API methods (calls) into methods understood by a native API of a CMS (or Court Application) where one exists.	Partial (CMS API).
Clerk Review	Supports the review, approval, rejection activities of Clerks, and the update of CMS/DMS systems.	No.
Document Storage	Storage of documents, data, and XML files constituting filings on a temporary or indefinite basis.	No.
Process Serving	The electronic distribution of filed documents to Parties in a case.	No.
Value Added Services	Optional capabilities provided by Service Providers that enhance the electronic filing process (e.g., document conversion, document management services, reminders).	No.

<b>System Function</b>	<b>Description</b>	<b>In 2GEFS Scope</b>
Public Court Records Access	Access to Court Applications for the general public (non-Parties), often provided over the World Wide Web.	No.
Messaging	Interchange of messages by Parties, Attorneys, or others associated with a case.	No.

## General Terms

A vocabulary of general terms is suggested by the following terms and definitions.

<b>Term</b>	<b>Definition</b>
Application Program Interface (API)	A supported method by which an application exposes its functionality, allowing developers to create programs that will integrate with that application.
Asynchronous	An exchange in which a return message is sent over a different connection than was the initiating message, possibly at a different time or using a different transport (such as SMTP, FTP, or facsimile).
COTS	Commercial Off-the-Shelf. Software provided by a vendor and generally intended to be used by the customer without coding modifications.
Confirmation	XML conforming to a Court Filing specification returning data from a Court indicating the Lodged, Filed, or rejected status of a Filing.
CRC	California Rules of Court.
Docketed	A state. An update to a CMS has been made reflecting a document was Filed.
Exchange	The transmission and receipt of a Filing, Confirmation, Request, or Response.
Filed	A state. A Filing, or part of a Filing, has been accepted by the Court.
Filing	Electronic documents and accompanying data transmitted to a Court in conformance with a 2GEFS Court Filing specification.
Lodged	A state. A Filing has been received by a Court and is awaiting review for acceptance or rejection.
Request	XML conforming to a Request/Response specification intended to return data or document(s) from a Court.
Response	XML conforming to a Request/Response specification returning data or document(s) from a Court in reply to a Request.
Synchronous	An exchange in which a return message is received over the same connection as, and shortly after, the initiating message and necessarily using the same transport.
Trustworthy	A state. An application that is rightly assumed to be secure and its data reliable. The entity it supports enjoys a special degree of credibility.
Valid, Well-Formed XML	XML that validates against the 2GEFS Court Filing 2.0, 2GEFS Court Policy 2.0, or 2GEFS Request/Response 2.0 Schema. Also "Well-Formed, Valid XML".
Programmatic Validation	Validation of information using code that goes beyond validation provided by XML schema validation.

Service	<p>1. <b>Service of Process:</b> Service of Process: occurs after the filing of an initial pleading (e.g. a complaint or petition or summons) that initiates a case, or pleadings that add an additional party to a case. Most service instances are currently conducted in a physical manner. After service is effected, a <b>Return of Service</b> or <b>Proof of Service</b> or <b>Affidavit of Service</b> is prepared, which may be filed with the court.</p> <p>2. <b>Certificate of Service:</b> After a case has been initiated, parties and/or attorneys involved in the matter traditionally provide notice to each other for all subsequent filings. Technically, while this category of service, also called <b>notice</b>, falls under <b>Service of Process</b>, notification may be conducted electronically. After such notification, a <b>Certificate of Service</b> is prepared that asserts a copy of the pleading has been sent to the other party.</p>
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## Specifications and Standards

Specification Abbreviation	Description
CF	2GEFS Court Filing specification, (version 2 implied).
CP	2GEFS Court Policy XML file (version 2 implied).
RR	2GEFS Request/Response specification (version 2 implied).
CMS API	2GEFS Case Management System Application Program Interface (version 2 implied).
Schema Framework	2GEFS and <xmlLegal> Schema Development Methodology Specification (version 2.5 or later).

## Concepts

2GEFS specifications reflect a number of concepts, the more important of which are documented in this section.

### Relationship Among Specifications

The 2GEFS specifications consist of four parts: Court Filing 2.0 basically defines an electronic envelope for transporting documents to and from court systems; Request/Response 2.0 defines how information and documents can be queried and retrieved from court databases; Court Policy 2.0 defines how details about individual courts or their divisions can be expressed such that computer programs can understand them without human intervention, thus promoting quicker deployments and easier synchrony of electronic filing services; and an application program interface (API) for standardizing the means for getting data and documents into and out of court case management systems. Taken together, the specifications provide a foundation for realizing electronic filing services statewide.

### Schema Framework

All 2GEFS XML Schema are, or are constructed from, XML "primitives" or "building blocks" that conform to a consistent set of rules. These rules are documented in the *Schema Framework*, which is a set of best practices and a methodology for developing XML Schemas ensuring that building blocks can be assembled into more complex and versatile XML structures, and that also provides version control, unique schema identifiers, schema management and maintenance over time, and consistent publishing rules for schema discovery and documentation. The Schema Framework produces not one schema, but rather a standard and consistent Framework of many schemas.

For example, the Schema Framework provides a standard way to create different Address schemas or a variety of more complex Court Filing schemas depending on the needs of a particular jurisdiction or the specific requirements of applications within a jurisdiction. This approach serves the needs of different jurisdictions and organizations that have similar but varied requirements. The use of the Schema Framework makes it easier for developers to code around and understand schemas, yet provides the flexibility to serve the varying needs of government, lawyers, vendors, and citizens.

### Court Filing

Court Filing XML includes the requisite elements to capture information necessary to:

1. Initiate a case in the target CMS, if a case does not exist;
2. File one or more documents into a case;
3. Support submission of service of process information;
4. Access name, contact details, identifiers and descriptions, if necessary and roles for people and organizations associated with the case; and,
5. Access charges or offenses to a case.

It also provides an ability to return confirmation (or rejection) messages back to filers, which is the function of Court Filing Confirmation XML.

Court Filing XML and Court Filing Confirmation XML must also be sent to and from different systems and therefore requires one or more transmission protocols.

## Court Policy

Court Policy XML includes information specific to a court and divisions or groups of a court, if such subdivisions exist. The purpose of Court Policy XML is to encode, in a standard, machine-readable way, basic information about a court so that applications can expect and use such information from many courts in the same way without the need to recode. Court Policy XML is, in other words, a court configuration file.

Theoretically, Court Policy XML could contain a wide variety of information. Attempting to specify too much information in Court Policy XML is problematic because of (a) scope creep and more importantly (b) complexity and difficulty writing code for all logical uses. As a result, this version of Court Policy XML seeks only to require the bare minimum of what could theoretically be in Court Policy XML.

Court Policy XML may include, and at present should be limited to, the following information about a Court:

1. Unique Names and Identifiers for the Court, its Divisions, and its Groups;
2. Court Clerk(s);
3. Fee Schedules;
4. Court Payment Details (enough information to pay a court);
5. Code Tables (frequently used code tables from the courts case management system(s), such as case categories);
6. Exchanges (names and unique identifiers for specific electronic information exchange points);
7. Hours of Operation (including cut-off times for electronic and paper filing)

Court Policy XML must be available to many organizations, preferably over the Internet, for local or remote use.

## Request/Response XML and CMS-API

Request/Response XML and CMS-API are both specifications that define the format for requests for information from a case/document management system and the format for responses back from a CMS. The difference between Request/Response XML and CMS-API is that Request/Response XML is an API defined in an XML format intended to be transmitted over HTTP while CMS-API is an API defined as a set of methods or functions intended to be coded into .dlls, java classes, or the like to be used directly with other code. The API for both is the same, but the formats and request/response transmission methods are different.

Neither Request/Response XML nor CMS-API is intended to provide a full and complete API to a case management system. The purpose is to provide the minimum number of CMS calls necessary for electronic court filing applications. At a minimum, these calls must support adding information included in Court Filing XML. However, additional calls may support additional requirements, for example, the automated creation of Court Policy XML. Thus, the scope of Request/Response XML and CMS-API XML is slightly broader than Court Filing XML, but not as broad as a full and complete case management system API.

As with Court Policy XML, the theoretical scope of CMS-API could be quite broad. To limit the scope of CMS-API or, at least, to allow incremental development and adoption of CMS-API over time, there is a need for CMS-API "core" levels. Core Level 1 is a basic set of CMS-API functions and is implemented in these version 2 specifications. Core Level 2 is a more advanced set, and Core Level 3 is a yet more

advanced set. To ensure vendor products are compatible with the core specifications, a state or federal government might, for example, develop a program in which electronic court filing, CMS, or other vendors operating in the state must validate their software meets Core Level 1 functional standards in year 1, Core Level 2 functional standards in year 3, and Core Level 3 functional standards in year 5, etc.

Generally, functions in the API should have the ability to (a) Add (b) Get (c) Update and (d) Delete information. They should be sufficient to support a "Clerk Review" function external to the court CMS.

### Relationship Among the Specifications

Court Filing XML and Court Filing Confirmation XML are the fundamental and basic requirements necessary to implement an electronic court filing system. Using Court Filing XML, electronic documents can be delivered to a court. Once delivered to the Court, a Court Clerk can, at a minimum, print the documents and file them manually.

To electronically insert the electronically filed documents and other filing information into a CMS, it is necessary to build an EFM and/or Court Adapter that connects the electronic filing system and the CMS. Court Adapters have "two sides" to them. One side must connect to the CMS. The other side must connect to the EFM, or electronic court filing system. Existing and varied CMS implementations dictate that the CMS-side of the API will likely always be different from court-to-court or between COTS CMS products. It would be possible, although not very efficient, to build many different types of APIs on the electronic-filing-side. The purpose of CMS-API (and Request/Response XML) is to standardize the electronic-filing-side of the adapter, so that electronic court filing vendors can always interface to the same API.

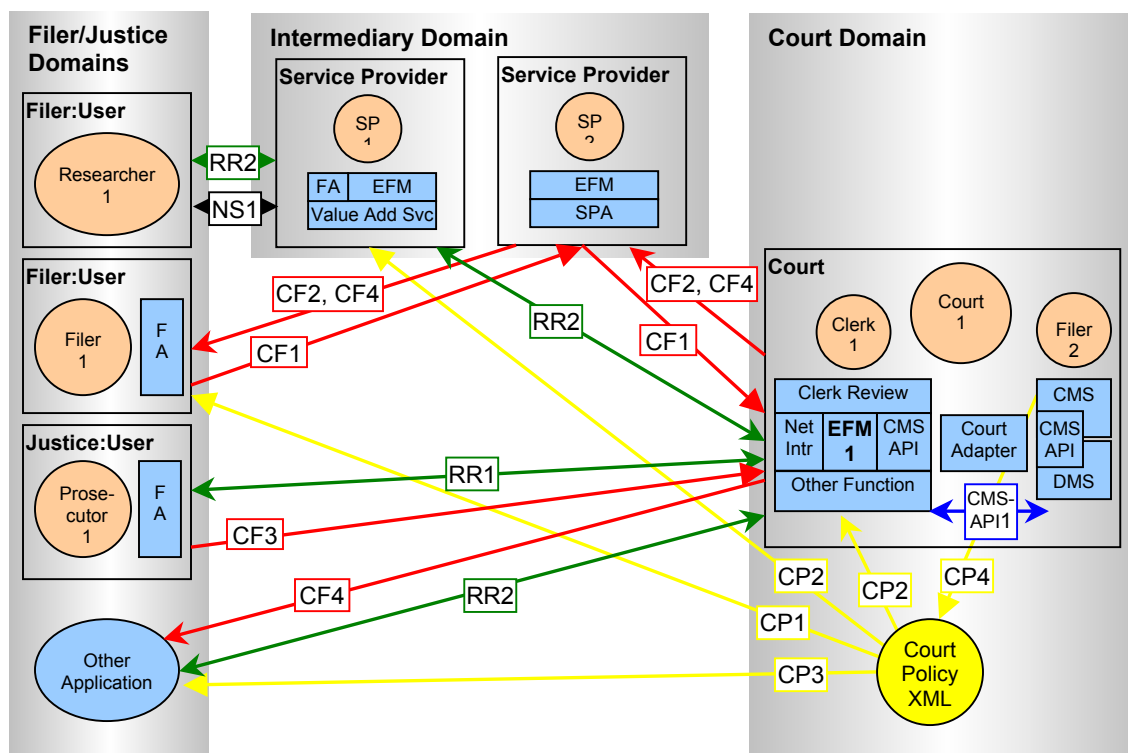
Court Policy XML is not absolutely necessary to the implementation of electronic court filing, especially in a one-court, end-to-end system. However, in a system where multiple courts and multiple vendors are involved, Court Policy XML greatly automates the process of discovering court-specific information and using it in applications. It provides scalability for multi-court or multi-vendor systems, and is the only practical way to implement and maintain a system with any number of courts and vendors. Court Policy XML can be profitably used in a variety of situations, especially in interfaces for the filer and for the clerk, as well as for Filing Applications, Service Provider Applications, EFMs, and uses as yet undiscovered.

### Architecture, Interfaces and Exchanges

The architecture of the Electronic Filing Environment is illustrated in this subsection and used to define interfaces and exchanges as they can occur in compliance with 2GEFS specifications.

The accompanying diagram graphically shows the architecture (and one of many possible physical implementations). Various information exchange points, shown with arrows, are labeled using the convention indicated below, where the italicized x indicates a number.

Exchange Identifier	Description
CFx	2GEFS Court Filing specification compliant.
CPx	2GEFS Court Policy specification compliant.
RRx	2GEFS Request/Response specification compliant.
CMS-APIx	2GEFS Case Management System Application Program Interface compliant.
NSx	An unspecified exchange.



Exchange	Description
CF1	Court Filing XML is sent to an Electronic Filing Manager (EFM) over the Internet. An Intermediary's EFM accepts the XML, processes it, and forwards it to the appropriate Court. Feasible variations include: <ul style="list-style-type: none"> <li>▪ Direct exchange between a Filing Application and a Court EFM application (see CF3);</li> <li>▪ Filing Applications that communicate with a Service Provider (or are hosted by a Service Provider) and do not use 2GEFS CF specifications for exchanges (NS1 exchange).</li> </ul>
CF2	Court Filing Confirmation XML is returned from the Court EFM to the sending application over the Internet (a confirmation of receipt may also be returned by a Service Provider). The confirmation may be sent (synchronously) asynchronously.
CF3	Direct exchange between a Filing Application and a Court EFM application;
CF4	As the filing proceeds through court workflow, other events may occur, such as court clerk review. Such events may change the status of the filing, in which case the filer may be notified. In case of subsequent notification, an asynchronous Court Filing Confirmation XML should be sent to the filer through various electronic (HTTP, FTP, SMTP, facsimile) or paper means. Such Confirmation XML could be sent either directly to the filer, as specified in a "reply to" part of the Filing or to the Service Provider that provides service to the filer.
CP1	Court Policy XML can be downloaded from the Internet for use by a Filer's Filing Application. Court Policy information such as the court's name, address, as well as fee and code tables, for example, can be used to configure the Filer's Application.
CP2	In the same way that Court XML is used in the Filer's Application (CP1), Court Policy can be used by the Court's or Service Provider's EFM, and ancillary applications such as Clerk Review.



CP3	Court Policy XML is exposed to users via the Internet. As a result, its use is limited only to the imagination of the people and applications that are authorized to access it.
CP4	Some information included in the Court Policy XML could come from the CMS. Although it is not foreseen that the CMS will rely on Court Policy, parts of Court Policy may be automatically generated from the CMS.
RR1	Filing Applications, when preparing documents or filings for submission to a court, may wish to query the CMS to generate documents or filings or to ensure that data in the documents or filing match the information in the CMS.
RR2	Other users or applications, such as Researchers or statistical applications, can use Request/Response XML to acquire information they are authorized to access from Court Applications.
CMS-API1	Court Filing and Request/Response exchanges interact with a court's CMS using the CMS-API. The API's methods reflect a direct mapping with Request/Response XML.

## Global Requirements and Constraints

Each 2GEFS specification is based on a separate requirements document, and each individual requirements document lists a set of general requirements. This section lists global requirements and constraints that apply to all requirements documents, and thus to all 2GEFS specifications.

### 1. Technology Base

2GEFS specifications must be based on technologies that enjoy support by readily available tools and that can be implemented within calendar year 2003.

### 2. CMS Heterogeneity

2GEFS specifications must accommodate the existing population of heterogeneous CMS applications and configurations.

### 3. Flexibility

2GEFS specifications must support a variety of business models, including those involving direct interaction between filers and courts as well as third parties acting as service providers or intermediaries between or on behalf of filers and courts.

### 4. Extensibility

2GEFS specifications must allow a means of extensibility without breaking interoperability.

### 5. Scalability

2GEFS specifications must scale to support thousands of Court-Service Provider relationships.

### 6. Coding Simplicity

2GEFS specifications must keep application programming as simple and straightforward as possible. For this generation of specifications, unavoidable programming complexity should be allocated to applications of the Electronic Filing Environment rather than to Case Management Systems.

### 7. Evolution

2GEFS specifications must accommodate the development of individual application components of the Electronic Filing Environment as a practical near term matter, as well as the eventual integration of

electronic filing components within CMS applications over a longer time frame, and perhaps web services concepts as they mature and are proven.

## 8. Principles for Feature Selection

Features or capabilities should be included or excluded from specifications predicated on the following principles, which may be altered by consensus:

1. First priority will be given to capabilities that support the following functionality:
  - a. Initiate a case in the target CMS, if a case does not exist;
  - b. File one or more documents into a case;
  - c. Support submission of service of process information;
  - d. Access name, contact details, identifiers and descriptions, if necessary and roles for people and organizations associated with the case; and,
  - e. Access charges or offenses to a case.
2. Second priority will be given to capabilities that support querying or accessing information in a CMS.
3. Third priority will be given to functions that make systems more marketable.
4. The term "Access" in this context means Add, Get, Update, and Delete. Among and within any of the priority categories listed above, first priority will be given to Add capabilities. Second priority will be given to Get capabilities. Third priority will be given to Update capabilities. Fourth priority will be given to Delete capabilities.
5. Features will be constrained to what developers can reasonably be expected to implement within six to 12 months.

## Types of CMS Interfaces

The 2GEFS CMS-API specification follows on an earlier attempt to define a standardized way in which electronic filing applications could communicate with court case management systems. Because of the number of case management systems and variance in court business and technical requirements, court specific customizations are prohibitively difficult, expensive, and time consuming. Elements of the 2GEFS Court Policy XML specification combined with the CMS-API specification are designed to address all of these issues and allow the courts to benefit from economies of scale. As there is ongoing discussion in the electronic filing community about the necessity and role of a CMS API, this subject is addressed in part here.

A robust Electronic Filing Environment must support mechanisms for (1) providing data and documents to a CMS, and (2) retrieving data and documents from a CMS. The purpose of an API is to standardize these interactions, reducing or eliminating variation. Generalized, one can identify five different and successively more sophisticated modes of interaction between systems of the Electronic Filing Environment and the CMS.

### Level 1: Structured Query Language (SQL)

Most CMS implementations or COTS products use relational databases that support SQL. SQL routines could be (and have been) used to write and read data directly into or from a CMS database, but this approach has major drawbacks, especially when third-parties attempt to integrate with the CMS: (1) application logic is bypassed and the results returned may be wrong or inconsistent with the court's interpretation of the data; (2) the names of tables (files) and attributes (fields) will vary from one CMS product to another, consequently SQL statements would need to be customized for each CMS product and there is little or no saving of time or effort when initiating service to a court; and (3) in general, it

would be a bad idea to allow Filers or Intermediaries to formulate and submit any SQL statement they might desire, and it is impractical for courts to check or certify the intended results of every SQL statement submitted.

#### **Level 2: Custom Interface**

The key feature of this mode is that the CMS product does not have its own native API that developers might leverage in developing routines for interaction. Therefore custom source code must be developed for the CMS, perhaps resulting in a unique API for the CMS product in question. This approach is inefficient from a global perspective.

#### **Level 3: Native CMS API**

In this mode the CMS product does have a native API that is accessible to developers. That API has a unique set of methods or calls, and the integration effort consists mainly of mapping those supported API methods to the routines needed to complete electronic filing transactions, such as is represented by the 2GEFS CMS-API specification.

#### **Level 4: Standard CMS-API Support**

At this level both the CMS and the Electronic Filing Environment component(s) support a standardize API such as that defined by the 2GEFS CMS-API specification. Any electronic filing application written to use the API can interact with any CMS product supporting the API without modification of source code on either side (other than, perhaps, for Court Adapter code).

#### **Level 5: Native CMS XML Support**

This level anticipates the development of CMS products that have a native understanding of XML afforded by the use of an XML database or a relational database endowed with an inherent translation of XML constructs. In such an environment it is conceivable that the XML of Court Filing or Request/Response streams would not need to be deconstructed and mapped to the relational tables of the CMS, probably obviating the need for an API.

## Models

Models portray how System Functions may be deployed across Systems and, by implication, Domains. In the following matrix solid checkmarks indicate a firm association of a System Function with a System, and gray checkmarks indicate optional associations. Variations in these relationships define other models.

### The Reference Model

System Function	FA	SPA	Interm. EFM	Court EFM	CA	CMS
Registration and Access Control			✓	✓		✓
Document Integrity and Authentication	✓		✓	✓		✓
Filing Assembly	✓		✓	✓		
Court Policy XML Interpretation	✓	✓	✓	✓		
Court Policy XML Generation						✓
Court Filing XML Interpretation and Packaging	✓		✓	✓		
Request/Response XML Interpretation and Packaging	✓	✓	✓	✓		
Network Interface	✓	✓	✓	✓		
Payments	✓	✓	✓	✓		✓
Billing		✓		✓		
API Transport Conversion					✓	
API Method Translation					✓	
Clerk Review			✓	✓		✓
Document Storage	✓	✓	✓	✓		✓
Process Serving		✓		✓		
Value Added Services	✓	✓	✓			
Public Court Records Access				✓		✓
Messaging		✓		✓		
FA	Filing Application					
SPA	Service Provider Application					
EFM	Electronic Filing Manager					
CA	Court Adapter					
CMS	Case Management System					

This matrix is referred to as the Reference Model. Variations on the reference model define candidate models, some of which are described below.

### The California Standard Model

The California Standard Model is very similar to the Reference Model. It features reliance on Service Providers as intermediaries between Filers and Courts, off-loading many administrative tasks to SPs (such as user registration and authentication) under contractual arrangement.

System Function	FA	SPA	Interm. EFM	Court EFM	CA	CMS
Registration and Access Control			✓	✓		✓
Document Integrity and Authentication	✓		✓	✓		✓
Filing Assembly	✓		✓			
Court Policy XML Interpretation	✓	✓	✓	✓		
Court Policy XML Generation						✓
Court Filing XML Interpretation and Packaging	✓		✓	✓		
Request/Response XML Interpretation and Packaging	✓	✓	✓	✓		
Network Interface	✓		✓	✓		
Payments	✓	✓	✓	✓		✓
Billing		✓				
API Transport Conversion					✓	
API Method Translation					✓	
Clerk Review			✓	✓		✓
Document Storage	✓	✓	✓	✓		✓
Process Serving		✓		✓		
Value Added Services	✓	✓	✓			
Public Court Records Access				✓		✓
Messaging		✓				
FA Filing Application SPA Service Provider Application EFM Electronic Filing Manager CA Court Adapter CMS Case Management System						

## The Court-Centric Model

In the Court-Centric Model, courts essentially assume the roles of Service Providers and deal directly with all Roles in the Filers and Courts Domains. Courts using in-house applications for case and/or document management would not necessarily implement the CMS API or need a Court Adapter application. In this model the court essentially acts as a Service Provider, using court funds to build and maintain applications and to provide services.

System Function	FA	SPA	Interm. EFM	Court EFM	CA	CMS
Registration and Access Control				✓		✓
Document Integrity and Authentication	✓			✓		✓
Filing Assembly	✓			✓		
Court Policy XML Interpretation	✓			✓		
Court Policy XML Generation						✓
Court Filing XML Interpretation and Packaging	✓			✓		
Request/Response XML Interpretation and Packaging	✓			✓		
Network Interface	✓			✓		
Payments	✓			✓		✓
Billing				✓		✓
API Transport Conversion					✓	
API Method Translation					✓	
Clerk Review				✓		✓
Document Storage						✓

System Function		FA	SPA	Interm. EFM	Court EFM	CA	CMS
Process Serving					✓		
Value Added Services		✓					
Public Court Records Access					✓		✓
Messaging					✓		
FA	Filing Application						
SPA	Service Provider Application						
EFM	Electronic Filing Manager						
CA	Court Adapter						
CMS	Case Management System						

## The Hosted Model

In the Hosted Model, a Service Provider or other entity hosts some or all of the electronic filing applications for a Court, possibly including persistent document storage. EFM functions may be bifurcated with most functions residing at the Service Provider and communicating with a minimal EFM at the Court using either a proprietary protocol or XML compliant with 2GEFS specifications. Clerk Review can be supported either in the Intermediary or Court Domains (at the discretion of the developer).

System Function		FA	SPA	Interm. EFM	Court EFM	CA	CMS
Registration and Access Control				✓			✓
Document Integrity and Authentication		✓		✓			✓
Filing Assembly		✓		✓			
Court Policy XML Interpretation		✓	✓	✓			
Court Policy XML Generation							✓
Court Filing XML Interpretation and Packaging		✓		✓			
Request/Response XML Interpretation and Packaging		✓	✓	✓			
Network Interface		✓	✓	✓	✓		
Payments		✓	✓	✓			✓
Billing			✓				
API Transport Conversion						✓	
API Method Translation						✓	
Clerk Review				✓	✓		
Document Storage		✓	✓	✓			✓
Process Serving			✓				
Value Added Services		✓	✓	✓			
Public Court Records Access			✓		✓		✓
Messaging			✓		✓		
FA	Filing Application						
SPA	Service Provider Application						
EFM	Electronic Filing Manager						
CA	Court Adapter						
CMS	Case Management System						

Assuming it is not desirable to allow a monopoly in electronic filing for a court or court system, this model carries problems that must be addressed. In the event the court allows competition and uses multiple Serviced Providers, it must either use each provider's Clerk Review function (which will likely be burdensome to its clerks) or, alternatively, the court would need to require that a single Service Provider

handle exchanges from other Service Providers, introducing yet another series of problems that would need to be worked out.

## Use Cases

A **use case** is a narrative document that describes the sequence of events of an actor (an external agent) using a system to complete a process. They are stories or cases of using a system. Use cases are not exactly requirements or functional specifications, but they illustrate and imply requirements in the stories they tell.

A **high-level use case** tersely describes a process. An **expanded use case** shows more detail and depicts a deeper understanding of the processes and requirements. An **essential use case** is an expanded use case expressed in an ideal form that remains relatively free of technology and implementation details; high-level use cases are always essential in their description, due to their brevity and abstraction. [Larman98]

For the purposes of the 2GEFS project we will start by identifying and reaching consensus on a set of high-level processes and their constituent use cases. Use cases can then be prioritized and the high-priority use cases further developed into expanded use cases. The exercise should result in a common understanding on behalf of participants of the electronic filing environment and will help us prioritize the capabilities included in specifications (such as the Core Level 1 methods of the CMS API).

## High-Level Process Candidates

The end-to-end process of electronic filing can be broken down into a number of high-level processes, as suggested below.

High-Level Process	Brief Description
Registration	A Filer registers with a court, an SP registers with a court, or an SP registers a Filer with the court.
Rights Granting	Access privileges to Court database(s) are established for an SP or Filer.
Discovery and Configuration	An application locates a court's Court Policy XML file and interprets it.
Filing	Case-related documents are submitted to a Court.
Clerk Review	A Clerk reviews a submitted filing, accepts or rejects it, and if accepted causes update of Court Applications.
Service and Notice	Other Parties to a case are served documents that make them a party to the case and litigation, or are sent documents once they are already parties to a case.
Inquiry	A Party, EFSA, or EFA requests case-related information from a Court Application.
Transfer	A case is transferred to another Court (change of venue), or to a higher court (appeal).



Training	Clerks or Filers are trained.
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## Use Case Candidates

If this general classification of high-level electronic filing processes is acceptable, then further breakdown of use cases belonging to the following table suggests the candidate processes. Note that while the list of use case candidates should be relatively exhaustive, only those that are of key significance to 2GEFS participants need be developed in any detail.

High-Level Process	Use Case Candidates
Registration	Register Service Entity Register Filer Deregister Service Entity Deregister Filer
Rights Granting	Establish Filer Privileges (by ES or Filer) Establish Filer Privileges (by Court) Modify Filer Privileges Establish Right to Fee Waiver
Discovery and Configuration	Register Court in Directory Update Court Policy XML File Discover Court Policy XML File Configure FA, ESA
Filing	File Initial Document (New Case) File Subsequent Document (Existing Case) File Document (by Court) File Documents in Bulk File Cross-Action (Existing Case) Withdraw Filed Document Acknowledge Filing Received/Lodged Pay Fees Join Case
Clerk Review	Review Filing Validate Filing Authenticity Validate Filing Integrity Confirm Fee Waiver Status Affirm Document Confidentiality Status Accept Document Reject Document Send Confirmation Update Court Application(s)
Service	Service of Process Initiated By Filer, SP, Law Enforcement Service of Process Initiated By Court Service By Filer or SP Service By Court

High-Level Process	Use Case Candidates
Inquiry	Validate Access Privileges Request Case Information Request Case Parties/Attorneys Request Case Document List Request Case Document Request Case Calendar Request Case Events/Register of Actions
Transfer	Establish Appellate Privileges (Registration Process) Alternatives: Pull Document(s) (Inquiry Process) Push Documents (Filing Process) Access Documents Remotely
Training	Train Clerks Train Filers

## Accommodation of COSCA/NACM Standards for Electronic Filing Process

COSCA/NACM has adopted standards addressing technical and business approaches to electronic filing (see "COSCA/NACM in References, page 34). The following table compares those Functional Standards to current 2GEFS design capabilities where they are pertinent. Some of the Functional Standards refer to an application system capability or a court process that is essentially outside of the scope of electronic filing specifications; these are indicated as such with a "No" in the "2GEFS Relevant" column.

ID	Functional Standard	2GEFS Relevant	2GEFS Compliance	Comment
<b>3.1</b>	<b>FUNCTIONAL STANDARD: GENERAL COURT STANDARDS</b>			
3.1.1	System conforms to existing COSCA/NACM standards and has the flexibility to adapt to emerging COSCA/NACM standards found at <a href="http://www.ncsc.dni.us">http://www.ncsc.dni.us</a> .	No	N/A	Vague requirement or impossible to assess.
3.1.2	System describes unique court filing policies and standards in an XML format, accessible free of charge by potential filers, including service providers.	Yes	Yes	CP 2.0 file.
3.1.3	System provides a process to inform current users of court policy changes relative to electronic filing.	Yes	Yes	CP 2.0 'ExpirationDate' element.
<b>3.2</b>	<b>FUNCTIONAL STANDARD: SYSTEM ARCHITECTURE</b>			
3.2.1	System architecture supports XML data exchange in accordance with standards adopted by COSCA and NACM.	Yes	Partial	2GEFS specifications are not strictly backward compatible with CF 1.x. 2GEFS 2.0 specifications attempt to express information in the same way as CF 1.x so that downstream applications can continue to rely on that information.
3.2.2	System architecture incorporates migration strategies for new releases of XML standards	Yes	Yes	Schema Framework has well-defined way to handle version control.
3.2.3	System architecture provides capabilities for high volume filers to transfer large numbers of documents, attachments and envelopes at one time ("mass filing").	Yes	Yes	Implementation issue, supported by 2GEFS specifications.
3.2.4	System has disaster recovery and rollback capabilities consistent with court needs and policy.	No	N/A	Not affected by XML specifications.
<b>3.3</b>	<b>FUNCTIONAL STANDARD: ELECTRONIC DOCUMENTS</b>			
3.3.1	System records all dates and times needed to apply court rules governing the time and date that court filing occurs and informs filer of the data and time of filing	Yes	Yes	CF date, time elements.

ID	Functional Standard	2GEFS Relevant	2GEFS Compliance	Comment
3.3.2	System accepts the importation of non-electronic documents into the electronic court record in accordance with statutes and rules.	No	N/A	CF 2.0 transports any electronic document.
3.3.3	System provides a method for handling other electronic materials involved in a case, including, e.g., transcript, exhibits, and multimedia presentations made to the jury.	No	N/A	CF 2.0 transports any electronic document.
3.3.4	System presents the documents in the electronic formats allowed by the court.	Yes	Yes	CP 2.0 indicates formats allowed by court. CF 2.0 transports any electronic document.
3.3.5	System will produce copies on demand.	No	N/A	
<b>3.4</b>	<b>FUNCTIONAL STANDARD: DOCUMENT INTEGRITY</b>			
3.4.1	System provides a means to verify the integrity of any electronic document received and stored by the court.	Yes	Yes	Document Schema has elements for hash value and type, but warns that this approach does not ensure integrity.
3.4.2	System provides document redundancy.	No	N/A	
3.4.3	Hash algorithms must be provided within receipt and the system must provide a document history of hashes.	Yes	Yes	Document Schema supports hash; history is an implementation issue.
3.4.4	At a minimum, system must comply with FIPS 180-2 or successors. ( <a href="http://www.itl.nist.gov/fipspubs/fip180-2.htm">http://www.itl.nist.gov/fipspubs/fip180-2.htm</a> ).	Yes	Yes	Supports any hash type.
<b>3.5</b>	<b>FUNCTIONAL STANDARD: SYSTEM SECURITY</b>			
3.5.1	System transmissions are secure.	No	N/A	Implementation issue. HTTPS/SSL, digitally signed SOAP 1.2 support available.
3.5.2	System provides an audit log of transactions as appropriate to the court's needs.	No	N/A	Implementation issue.
3.5.3	System must provide that appropriate court staff have control of assignment and revocation of security levels and privileges	No	N/A	Implementation issue.
3.5.4	System provides appropriate processes for court staff to control user privileges to create, modify, delete, print, or read electronic records.	No	N/A	Suggested in functional standard: (a) Attorneys and self-represented litigants for the duration of the case; (b) Parties with the exception of attorneys and self-rep litigants ; (c) Court staff within the court of filing, including; (d) Judges; (e) Judicial staff; (f) Clerks; (g) Administrative staff; (h) Court staff elsewhere in judiciary; (m) Systems maintenance staff; (n) Groups/Classes of People; (o) Justice agency staff, by specified agency; (p) Treatment/program staff, by specified agency/group; (q) Abstractors, title searchers, credit reporting services, and employment background checkers; (r) Other; (s) Media; (t) General public not involved in the case.
3.5.5	The "Legal Envelope" and the document must both have state-of-the-art and robust virus checking applied prior to transmission to the court and upon receipt of the transmission at the court.	No	N/A	Implementation issue.

ID	Functional Standard	2GEFS Relevant	2GEFS Compliance	Comment
3.5.6	System complies with generally accepted security protocols, including use of HTTPS and secure socket layer (SSL).	Yes	Yes	HTTPS is one of several implementable protocols.
<b>3.6</b>	<b>FUNCTIONAL STANDARD: SIGNATURES AND AUTHENTICATION</b>			
3.6.1	System complies with statutes and rules for authentication of electronic documents.	Yes	Yes	Note: current CRC requires none.
3.6.2	System provides authentication of filer identity in accordance with court policies.	Yes	Yes	Note: current CRC requires none.
3.6.3	System provides a method of authenticating judicial officer actions	No	N/A	Implementation issue.
<b>3.7</b>	<b>FUNCTIONAL STANDARD: CASE AND DOCUMENT CONFIDENTIALITY</b>			
3.7.1	System provides provisional confidentiality until a determination on confidentiality is made by the court	Yes	Yes	
3.7.2	System allows for changes of confidentiality status for documents or the case during the life of the case.	No	N/A	Implementation issue.
3.7.3	Based on the nature of the document and the nature of case, system provides automatic confidentiality at the time of electronic document filing in accordance with statutes and rules or court orders.	No	N/A	Functional standard suggests confidentiality may be based on: (a) case nature (e.g., adoptions), (b) document content or type (e.g., treatment information in pre-sentence reports), (c) data (e.g., witness or complainant names or addresses in protective orders), (d) case stage (e.g., orders regarding judgments), or (e) specific people seeking access to information (e.g., a child may have access to an identity in a paternity determination but no one else may see it).
<b>3.8</b>	<b>FUNCTIONAL STANDARD: ACCEPTANCE AND REJECTION OF FILINGS</b>			
3.8.1	Front End Application is able to support the court's policy on filing when the court's accepting system is down.	Yes	Yes	Satisfied by retaining date/time of attempted filing by Filing Application.
3.8.2	System informs the filer of the acceptance or rejection. The receipt must include the reasons for rejection and document hash.	Yes	Yes	CF 2.0 Confirmation.
3.8.3	System supports automated acceptance and rejections of filings and documents in accordance with the form and substance requirements of the court.	No	N/A	Implementation issue.
3.8.4	Acknowledgements of filings must include the address by which the document can be accessed for the purpose of linking it to subsequent filings in the same case.	Yes	Yes	In Document Schema.
<b>3.9</b>	<b>FUNCTIONAL STANDARD: USER AND SERVICE REGISTRATION</b>			

ID	Functional Standard	2GEFS Relevant	2GEFS Compliance	Comment
3.9.1	System maintains a register of authorized users and identifiers. System supports registration/authorization process for submission of electronic court filings by:	No	N/A	Implementation issue. Optional requirement. Functional standards suggests: (a) attorneys, (b) self-represented litigants, (c) court personnel, (d) other agencies, (e) other authorized users.
3.9.2	A registry of web services must be provided by the system for integration, e.g. UDDI.	Yes	Partial	CP has place holder for a list of registries.
<b>3.10</b>	<b>FUNCTIONAL STANDARD: COURT PAYMENTS</b>			
3.10.1	System accommodates payments in accordance with statutes and rules.	Yes	Yes	
<b>3.11</b>	<b>FUNCTIONAL STANDARD: SUBMISSION OF ALL FILINGS</b>			
3.11.1	If the court's case management system is not operational, the front end electronic filing system sends a message immediately to the filer and holds the filing for submission when the court's system is operational.	No	N/A	Implementation issue. Referring to the ability of a Filing Application to temporarily store a filing. Optional reqmt.
3.11.2	Front end system validates case number, filing parties, case types, document types, and other elements required for populating the court's database.	Yes	Partial	
3.11.3	Front end system provides error messages and correction options if the filing is not in accordance with court policies, codes, and requirements including case openings.	Yes	Yes	CF 2.0 Confirmation message.
3.11.4	System assigns and confirms a unique identifier for each filing	Yes	Yes	CF 2.0 Filing:Key module.
<b>3.12</b>	<b>FUNCTIONAL STANDARD: CASE OPENING FILINGS</b>			
3.12.1	System assigns a unique case identifier until assignment of a permanent case number by the court.	Yes	Yes	CF 2.0 Filing:Key module.
3.12.2	System allows automated initiation of new cases without requiring submission of the case to the clerk review queue.	Yes	Yes	Implementation issue, but supported by CF 2.0.
3.12.3	System supports automated docket entries for initial filings without clerk review.	Yes	Yes	Implementation issue, but supported by CF 2.0.
<b>3.13</b>	<b>FUNCTIONAL STANDARD: SUBSEQUENT CASE FILINGS</b>			
3.13.1	System supports automated docket entries for subsequent filings without clerk review.	Yes	Yes	Implementation issue, but supported by CF 2.0.
3.13.2	System allows automated receipt of subsequent filings without requiring submission of the case to the clerk review queue.	Yes	Yes	Implementation issue, but supported by CF 2.0.
<b>3.14</b>	<b>FUNCTIONAL STANDARD: SERVICE AND NOTICE</b>			

ID	Functional Standard	2GEFS Relevant	2GEFS Compliance	Comment
3.14.1	System electronically serves documents and notice to other parties participating in the electronic filing system, in accordance with statutes and rules	Yes	Yes	Implementation issue, but supported by CF 2.0.
3.14.2	System generates a record of the non-electronic filing parties to whom service must be provided	Yes	No	
3.14.3	System automatically creates and docketed in the court's case management system a certificate of service for the document served.	No	N/A	Implementation issue.
<b>3.15</b>	<b>FUNCTIONAL STANDARD: JUDICIAL CONSIDERATION OF DRAFTS</b>			
3.15.1	System provides a method for parties to transmit proposed orders and other proposed materials to judicial officers for consideration, with or without docketing the event and committing the document and data to the database.	Yes	Yes	
3.15.2	System provides a method for the judicial officer to return a modified proposed document to the sending parties with or without docketing the event and committing the data to the database.	No	N/A	Implementation issue, accommodated by Confirmation.
3.15.3	System provides automatic notice to all parties when filer sends a proposed order to a judicial officer for consideration.	No	N/A	Implementation issue, accommodated by Confirmation.
3.15.4	System provides automatic notice to all parties when the judicial officer returns a modified proposed document to the sending parties.	No	N/A	Implementation issue.
<b>3.16</b>	<b>FUNCTIONAL STANDARD: CLERK REVIEW</b>			
3.16.1	System provides for review of data and documents by court staff prior to inclusion in the court record based on local procedures and rules.	Yes	Yes	CMS-API 2.0 includes sufficient functionality to support Clerk Review.
3.16.2	If the filer must take additional action after clerk review, the system provides a method for the clerk to send notice to the filer.	Yes	Yes	CF 2.0 Confirmation.
<b>3.17</b>	<b>FUNCTIONAL STANDARD: COURT INITIATED FILINGS</b>			
3.17.1	System allows for court judicial officers and court staff to initiate actions as filings.	Yes	Partial	Implementation issue. CMS-API 2.0 can support an application for generating documents.
3.17.2	System informs parties of court initiated filings.	Yes	No	Implementation issue.
<b>3.18</b>	<b>FUNCTIONAL STANDARD: REQUESTS FOR AND RESPONSES TO REQUESTS FOR CASE INFORMATION</b>			
3.18.1	System processes requests and responses to standard queries for court records according to the standard protocol approved by COSCA/NACM.	Yes	Partial	RR 2.0 does this but is not backward compatible with Query/Response 1.0 (COSCA/NACM standard).

ID	Functional Standard	2GEFS Relevant	2GEFS Compliance	Comment
3.18.2	Every response to a query includes the most current, complete and accurate CMS and DMS records as defined by court policy.	No	N/A	Implementation issue.
3.18.3	System provides a notice to the person making the query of the currency of the information.	Yes	Yes	
3.18.4	System provides authentication and verification that the court order in the court's database is the court order received by the requestor.	No	N/A	Implementation issue.
3.18.5	System supports queries of court records and responses to queries of court records.	Yes	Yes	RR 2.0.
3.18.6	System notifies appropriate actors of updates to the court record.	No	N/A	Implementation issue.
<b>3.19</b>	<b>FUNCTIONAL STANDARD: INTEGRATION WITH DOCUMENT MANAGEMENT SYSTEMS</b>			
3.19.1	System delivers case documents for entry and retrieval into the court's electronic Document Management System and Case Management System with "one-click" methods that do not require duplicative work on the part of court clerks for record entry into or ret	No	N/A	Implementation issue.
3.19.2	System stores documents until the court takes custody of the document.	No	N/A	Implementation issue.
<b>3.2</b>	<b>FUNCTIONAL STANDARD: INTEGRATION WITH CASE MANAGEMENT SYSTEM</b>			
3.20.1	System delivers case information for entry and retrieval into the court's electronic Document Management System and Case Management System with "one-click" methods that do not require duplicative work on the part of court clerks for record entry or retrie (sic).	No	N/A	Implementation issue.
3.20.2	System stores information associated with the filing until the court takes custody of the filing.	No	N/A	Implementation issue.
3.20.3	CMS is used to access or point to the location of documents in electronic court records.	No	N/A	Implementation issue.
<b>3.21</b>	<b>FUNCTIONAL STANDARD: JUDICIAL INFORMATION SHARING AMONG COURTS, INCLUDING APPELLATE COURTS</b>			
3.21.1	The system provides the record on bindover or transfer to another court from the electronic record in accordance with statutes and rules.	No	N/A	Implementation issue.
<b>3.22</b>	<b>FUNCTIONAL STANDARD: DOCUMENT RETENTION AND ARCHIVING</b>			
3.22.1	System provides for archiving of data and documents in accordance with approved retention, archiving and destruction policies	No	N/A	Implementation issue.
3.22.2	System provides for forward migration of all court documents	No	N/A	Implementation issue.



ID	Functional Standard	2GEFS Relevant	2GEFS Compliance	Comment
<b>3.23</b>	<b>FUNCTIONAL STANDARD: RELATED TECHNICAL CONSIDERATIONS</b>			
3.23.1	System uses browser technology and complies with W3C technical standards for a variety of platform operating systems and browsers.	Yes	Partial	2GEFS places no restrictions on technology used in applications or for supporting end users.
3.23.2	System complies with W3C web services standards.	Yes	Partial	This requirement needs reconsideration.
3.23.3	System supports annotation that is not part of the court record, with appropriate confidentiality and access controls.	No	N/A	Implementation issue.
3.23.4	System supports actor-to-actor communication that is not part of the court record, with appropriate confidentiality and access controls.	No	N/A	Implementation issue.

## References

### Primary Sources

#### California:

- Electronic Filing Program, [www.courtinfo.ca.gov/programs/efiling](http://www.courtinfo.ca.gov/programs/efiling).
- *Electronic Filing Technical Standards*, v6 2003, <http://www.courtinfo.ca.gov/programs/efiling/documents/e-filingtechstandardsv6dfinal.pdf>.
- Rules of Court, <http://www.courtinfo.ca.gov/rules/>.

#### COSCA/NACM:

- *Electronic Filing Processes (Technical and Business Approaches)*, February 26, 2003, National Consortium for State Court Automation Standards, approved by COSCA and NACM boards in March 2003. Also titled *Standards for Electronic Filing Processes (Technical and Business Approaches)*, [http://www.ncsconline.org/D\\_Tech/Standards/Standards.htm](http://www.ncsconline.org/D_Tech/Standards/Standards.htm).

#### Georgia Courts Automation Commission, <http://e-ct-file.gsu.edu/CourtFilings/Interoperability/>:

- *Georgia Courts Automation Commission Court Filing Interoperability Pilot Lessons Learned Document*, December 4th, 2001, Version 1.0.2, Winchel "Todd" Vincent III.
- *Georgia Courts Automation Commission Court Filing Interoperability Pilot Lessons Learned Document II* May 20th, 2002, Version 1.0, Winchel "Todd" Vincent III.

#### Legal XML

- Court Filing 1.0.  
[http://www.xmllegal.org/Documents/2GEFS/LegalXMLCourtFiling1.0\\_Ver1\\_0\\_2000\\_07\\_24.pdf](http://www.xmllegal.org/Documents/2GEFS/LegalXMLCourtFiling1.0_Ver1_0_2000_07_24.pdf)

#### OASIS/LegalXML Member Section, Electronic Court Filing Technical Committee Court Filing 1.1 DTD, (or Legal XML Court Filing 1.1, or Court Filing 1.1):

- DTD: [http://www.oasis-open.org/committees/legalxml-courtfilling/documents/courtfilling11\\_2002\\_07\\_22.dtd](http://www.oasis-open.org/committees/legalxml-courtfilling/documents/courtfilling11_2002_07_22.dtd);
- Documentation: <http://www.oasis-open.org/committees/legalxml-courtfilling/documents/22072002cf1-1.pdf>.

#### Office of Justice Programs, US Department of Justice:

- JXDD, Justice XML Data Dictionary <http://it.ojp.gov/jxdd/>.

#### W3C, World Wide Web Consortium:

- Well-Formed XML, an XML document that meets the W3C standard described at <http://www.w3.org/TR/1998/REC-xml-19980210#sec-well-formed>.
- XML, defined at <http://www.w3.org/TR/1998/REC-xml-19980210>.
- XML DTD, document type definition specified in W3C's XML 1.0 Recommendation published at <http://www.w3.org/TR/1998/REC-xml-19980210>.
- XML Schema, World Wide Web Consortium ("W3C"):
  - Primer, <http://www.w3.org/TR/xmlschema-0/>;
  - Structures, <http://www.w3.org/TR/2001/REC-xmlschema-1-20010502/>;
  - Datatypes, <http://www.w3.org/TR/2001/REC-xmlschema-2-20010502/>.

## California Rules of Court, Electronic Filing

*Note: Following is a **copy** of the California Rules of Court for electronic filing current as of January 1, 2003. Rules can change: the authoritative source is at (<http://www.courtinfo.ca.gov/rules/>).*

Rules 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, and 2060 of the California Rules of Court are adopted, effective January 1, 2003, to read:

### **DIVISION VIb RULES FOR FAX AND ELECTRONIC FILING AND SERVICE**

#### **CHAPTER 2. ELECTRONIC FILING AND SERVICE RULES**

##### **Rule 2050. Definitions**

As used in this chapter, unless the context requires otherwise:

- (a) **[Close of business]** “Close of business” is 5 p.m. or any other time on a court day—as defined in Code of Civil Procedure section 133—at which the court stops accepting documents for filing at its filing counter. A court must provide notice of its close-of-business time electronically. A court may give this notice in any additional manner it deems appropriate.
- (b) **[Document]** A document is a pleading, a paper, a declaration, an exhibit, or another filing submitted by a party or by an agent of a party on the party’s behalf. A document may be in paper or electronic form.
- (c) **[Electronic filer]** An electronic filer is a party filing a document in electronic form with the court.
- (d) **[Electronic filing]** Electronic filing is the electronic transmission to a court of a document in electronic form.
- (e) **[Electronic service]** Electronic service is the electronic transmission of a document to a party’s electronic notification address for the purpose of effecting service.
- (f) **[Party]** A party is a person appearing in any action or proceeding in pro per or an attorney of record for a party in any action or proceeding.
- (g) **[Regular filing hours]** Regular filing hours are the hours during which a court accepts documents for filing.
- (h) **[These rules]** “These rules” are the rules in this chapter.

##### **Rule 2051. Authority and purpose**

These rules are adopted under Code of Civil Procedure section 1010.6 and the authority granted to the Judicial Council by the California Constitution, article VI, section 6. They govern electronic filing and service of documents in the superior court.

### **Rule 2052. Documents that may be filed electronically**

- (a) **[In general]** A court may permit electronic filing of a document in any action or proceeding unless these rules or other legal authority expressly prohibit electronic filing.
- (b) **[Original documents]** In a proceeding that requires the filing of an original document, an electronic filer may file a scanned copy of a document if the original document is then filed with the court within 10 calendar days.
- (c) **[Application for waiver of court fees and costs]** A court may permit electronic filing of an application for waiver of court fees and costs in any proceeding in which the court accepts electronic filings.
- (d) **[Orders and judgments]** The court may electronically file any notice, order, minute order, judgment, or other document prepared by the court.
- (e) **[Effect of document filed electronically]**
  - (1) A document that the court or a party files electronically under these rules has the same legal effect as a document in paper form.
  - (2) Filing a document electronically does not alter any filing deadline.

### **Rule 2053. Court order requiring electronic filing and service**

- (a) **[Court order]** A court may, on the motion of any party or on its own motion, order all parties to file and serve all documents electronically in any class action, a consolidated action, or a group of actions, a coordinated action, or an action that is deemed complex under rule 1812, after finding that such an order would not cause undue hardship or significant prejudice to any party. The court's order may also provide that:
  - (1) Documents previously filed in paper form may be resubmitted in electronic form; and
  - (2) When the court sends confirmation of filing to all parties, receipt of the confirmation constitutes service of the filing.

- (b) **[Filing in paper form]** When it is not feasible for a party to convert a document to electronic form by scanning, imaging, or another means, a court may allow a party to file the document in paper form.

#### **Rule 2054. Responsibilities of court**

- (a) **[Internet-accessible system]**
  - (1) A court that orders electronic filing must allow for filing over the Internet by means designed to ensure the security and integrity of a transmission.
  - (2) The court may make an exception to Internet transmission if doing so facilitates the management of a particular action or proceeding and does not cause undue prejudice to any party.
- (b) **[Publication of electronic filing requirements]** A court that permits electronic filing must publish, in both electronic and print formats, the court's electronic filing requirements.
- (c) **[Problems with electronic filing]** If a court is aware of a problem that impedes or precludes electronic filing during the court's regular filing hours, it must promptly take reasonable steps to provide notice of the problem.
- (d) **[Public access to electronically filed documents]** Except as provided in rules 2070 through 2076, an electronically filed document is a public document at the time it is filed unless it is sealed under rule 243.2(b) or made confidential by law.

#### *Advisory Committee Comment*

*The Court Technology Advisory Committee recommends that courts comply with the technical standards set forth on the California Courts Web site at [www.courtinfo.ca.gov/programs/efiling/](http://www.courtinfo.ca.gov/programs/efiling/). The committee anticipates that these rules may be amended to require compliance with the California Electronic Filing Technical Standards once the standards are sufficiently developed.*

#### **Rule 2055. Contracts with electronic filing service providers**

- (a) **[Right to contract]**
  - (1) A court may contract with one or more electronic filing service providers to furnish and maintain an electronic filing system for the court.
  - (2) If the court contracts with an electronic filing service provider, it may require electronic filers to transmit the documents to the provider.

- (3) If there is a single provider or in-house system, it must accept filing from other electronic filing service providers to the extent it is compatible with them.
- (b) **[Provisions of contract]** The court's contract with an electronic filing service provider may allow the provider to charge electronic filers a reasonable fee in addition to the court's filing fee. The contract may also allow the electronic filing service provider to make other reasonable requirements for use of the electronic filing system.
- (c) **[Transmission of filing to court]** An electronic filing service provider must promptly transmit any electronic filing, with the applicable filing fee, to the court.
- (d) **[Confirmation of receipt and filing of document]**
  - (1) An electronic filing service provider must promptly send to an electronic filer confirmation of the receipt of any document that the filer has transmitted to the provider for filing with the court.
  - (2) The provider must send its confirmation to the filer's electronic notification address and must indicate the date and time of receipt, in accordance with rule 2059(a).
  - (3) After reviewing the documents, the court must promptly transmit to the provider and the electronic filer the court's confirmation of filing or notice of rejection of filing, in accordance with rule 2059.
- (e) **[Ownership of information]** Any contract between a court and an electronic filing service provider must acknowledge that the court is the owner of the contents of the filing system and has the exclusive right to control its use.

*Advisory Committee Comment*

*The Court Technology Advisory Committee recommends that electronic filing service providers comply with the technical standards set forth on the California Courts Web site at [www.courtinfo.ca.gov/programs/efiling/](http://www.courtinfo.ca.gov/programs/efiling/). The committee anticipates that these rules may be amended to require compliance with the California Electronic Filing Technical Standards once the standards are sufficiently developed.*

**Rule 2056. Responsibilities of electronic filer**

- (a) **[Conditions of filing]** An electronic filer agrees to, and must:
  - (1) Comply with any court requirements designed to ensure the integrity of electronic filing and to protect sensitive personal information;
  - (2) Furnish information the court requires for case processing;

- (3) Take all reasonable steps to ensure that the filing does not contain computer code, including viruses, that might be harmful to the court's electronic filing system and to other users of that system;
  - (4) Furnish one or more electronic notification addresses, in the manner specified by the court, at which the electronic filer agrees to accept service; and
  - (5) Immediately provide the court and parties with any change to his or her electronic notification addresses.
- (b) **[Format of documents to be filed electronically]** A document that is filed electronically with the court must be in a format specified by the court unless it cannot be created in that format. The format adopted by a court must meet the following requirements:
- (1) The software for creating and reading documents must be in the public domain or generally available at a reasonable cost.
  - (2) By January 1, 2007, any format adopted by the court must allow for full text searching. Documents not available in a format that permits full text searching must be scanned or imaged as required by the court, unless the court orders that scanning or imaging would be unduly burdensome. By January 1, 2007, such scanning or imaging must allow for full text searching to the extent feasible.
  - (3) The printing of documents must not result in the loss of document content, format, or appearance.

#### **Rule 2057. Requirements for signatures on documents**

- (a) **[Documents under penalty of perjury]**
- (1) When a document to be filed electronically requires a signature under penalty of perjury, the document is deemed signed by the declarant if, before filing, the declarant has signed a printed form of the document.
  - (2) By electronically filing the document, the electronic filer indicates that he or she has complied with subdivision (a)(1) of this rule and that the original, signed document is available for review and copying at the request of the court or any party.
  - (3) At any time after the document is filed, any other party may serve a demand for production of the original signed document. The demand must be served on all other parties but need not be filed with the court.

- (4) Within five days of service of the demand, the party on whom the demand is made must make the original signed document available for review and copying by all other parties.
- (b) **[Documents not under penalty of perjury]** If a document does not require a signature under penalty of perjury, the document is deemed signed by the party if the document is filed electronically.
- (c) **[Documents requiring signatures of opposing parties]** When a document to be filed electronically, such as a stipulation, requires the signatures of opposing parties, the following procedure applies:
  - (1) The party filing the document must obtain the signatures of all parties on a printed form of the document.
  - (2) The party filing the document must maintain the original, signed document and must make it available for review and copying as provided in subdivision (a)(2).
  - (3) By electronically filing the document, the electronic filer indicates that all parties have signed the document and that the filer has the signed original in his or her possession.
- (d) **[Digital signature]** A party is not required to use a digital signature on an electronically filed document.

#### **Rule 2058. Payment of filing fees**

- (a) **[Use of credit cards and other methods]** A court may permit the use of credit cards, debit cards, electronic fund transfers, or debit accounts for the payment of filing fees associated with electronic filing, as provided in Government Code section 6159 and rule 6.703 or otherwise applicable law. A court may also authorize other methods of payment.
- (b) **[Fee waiver]** Eligible persons may seek a waiver of court fees and costs, as provided in Government Code section 68511.3 and rule 2052(c).

#### **Rule 2059. Actions by court on receipt of electronic filing**

- (a) **[Confirmation of receipt and filing of document]**
  - (1) When a court receives an electronically submitted document directly from the filer and not through an electronic filing service provider, the court must promptly send the electronic filer confirmation of receipt of the document, indicating the date and time of receipt. If the document complies with filing



requirements and all required filing fees have been paid, the court must promptly send the electronic filer confirmation that the document has been filed.

- (2) The filing confirmation must indicate the date and time of filing and is proof that the document was filed on the date and at the time specified. The confirmation must also specify:
  - (a) Any transaction number associated with the filing;
  - (b) The titles of the documents as filed by the court; and
  - (c) The fees assessed for the filing.
- (3) The court will send its confirmation to the electronic filer at the electronic notification address the filer furnished to the court in accordance with rule 2056(a)(4). The court must maintain a record of its confirmation of receipt and filing. In the absence of confirmation of receipt and filing, there is no presumption that the court received and filed the document. Verification of the receipt and filing of any document by the court is the responsibility of the electronic filer.
- (b) **[Notice of rejection of document for filing]** If a document is not filed by the clerk because it does not comply with applicable filing requirements or because the required filing fee has not been paid, the court must promptly send notice to the electronic filer. The notice must set forth the reasons the document was rejected for filing.
- (c) **[Document filed after close of business]** A document that is filed electronically with the court after the close of business is considered to have been filed on the next court day.
- (d) **[Delayed delivery]** If a technical problem with respect to a court's electronic filing system precludes the court from accepting an electronic filing during its regular filing hours on a particular court day, and the electronic filer demonstrates that he or she attempted to file on that day, the court must deem the filing received on that day. This provision does not apply to the complaint or any other initial pleading in an action or proceeding.
- (e) **[Endorsement]**
  - (1) The court's endorsement of a document electronically filed must contain the following: "Electronically filed by Superior Court of California, County of \_\_\_\_\_, on \_\_\_\_\_ [date]," followed by the name of the court clerk.
  - (2) This endorsement has the same force and effect as a manually affixed endorsement stamp with the signature and initials of the court clerk.

- (3) A complaint or another initial pleading in an action or proceeding that is filed and endorsed electronically may be printed and served on the defendant or respondent in the same manner as if it had been filed in paper form.

**(f) [Issuance of electronic summons]**

- (1) On the electronic filing of a complaint, a petition, or another document that must be served with a summons, the court may transmit a summons electronically to the filer.
- (2) The summons must contain an image of the court's seal and the assigned case number.
- (3) Personal service of the printed form of an electronic summons has the same legal effect as personal service of an original summons.

**Rule 2060. Electronic service**

**(a) [Applicability]**

- (1) When a notice may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the notice is permitted.
- (2) A party indicates that he or she agrees to accept electronic service by:
  - (a) Filing and serving a notice that the party accepts electronic service. The notice must include the electronic notification addresses at which the party agrees to accept service; or
  - (b) Electronically filing any document with the court. By the act of electronic filing, the party agrees to accept service at any electronic notification address the party has furnished to the court in accordance with rule 2056(a)(4).

**(b) [When service is complete]**

- (1) Electronic service is complete at the time of transmission.
- (2) If a document is served electronically, any period of notice, or any right or duty to act or respond within a specified period or on a date certain after service of the document, is extended by two court days.
- (3) The extension under subdivision (b)(2) does not extend the time for filing:
  - (a) A notice of intention to move for a new trial;

- (b) A notice of intention to move to vacate the judgment under Code of Civil Procedure section 663a; or
- (c) A notice of appeal.
- (4) Service that occurs after the close of business is considered to have occurred on the next court day.

**(c) [Proof of service]**

- (1) Proof of electronic service may be by any of the methods provided in Code of Civil Procedure section 1013(a), except that the proof of service must state:
  - (a) The electronic notification address of the person making the service, in place of that person's residence or business address;
  - (b) The date and time of the electronic service, in place of the date and place of deposit in the mail;
  - (c) The name and electronic notification address of the person served, in place of that person's name and address as shown on the envelope; and
  - (d) That the document was served electronically and the transmission was reported as complete and without error, in place of the statement that the envelope was sealed and deposited in the mail with postage fully prepaid.
- (2) Proof of electronic service may be in electronic form and may be filed electronically with the court.
- (3) In accordance with rule 317(c), proof of service of the moving papers must be filed at least five calendar days before the hearing.
- (4) The party filing the proof of service must maintain the printed form of the document bearing the declarant's original signature and must make the document available for review and copying on the request of the court or any party to the action or proceeding in which it is filed, in accordance with rule 2057(a).

**(d) [Change of electronic notification address]**

- (1) A party whose electronic notification address changes while the action or proceeding is pending must promptly file a notice of change of address with the court electronically and must serve this notice on all other parties or their attorneys of record.

- (2) An electronic notification address is presumed valid for a party if the party files electronic documents with the court from that address and has not filed and served notice that the address is no longer valid.
- (e) **[Electronic service by court]** A court may electronically serve any notice, order, judgment, or other document prepared by the court in the same manner that parties may serve documents by electronic service.

## California Rules of Court, Privacy and Access

*Note: Following is a **copy** of the California Rules of Court for electronic filing current as of January 1, 2003. Rules can change: the authoritative source is at (<http://www.courtinfo.ca.gov/rules/>).*

Rules 2070, 2071, 2072, 2073, 2074, 2075, and 2076 of the California Rules of Court are adopted, adopted effective July 1, 2002, to read:

### **DIVISION VIb RULES FOR FAX AND ELECTRONIC FILING AND SERVICE**

### **CHAPTER 3, PUBLIC ACCESS TO ELECTRONIC TRIAL COURT RECORDS**

#### **Rule 2070. Statement of purpose**

- (a) **[Intent]** The rules in this chapter are intended to provide the public with reasonable access to trial court records that are maintained in electronic form, while protecting privacy interests.
- (b) **[Benefits of electronic access]** Improved technologies provide courts with many alternatives to the historical paper-based record receipt and retention process, including the creation and use of court records maintained in electronic form. Providing public access to trial court records that are maintained in electronic form may save the courts and the public time, money, and effort and encourage courts to be more efficient in their operations. Improved access to trial court records may also foster in the public a more comprehensive understanding of the trial court system.
- (c) **[No creation of rights]** These rules are not intended to give the public a right of access to any record that they are not otherwise entitled to access.

*Advisory Committee Comment*

*The rules acknowledge the benefits that electronic court records provide but attempt to limit the potential for unjustified intrusions into the privacy of individuals involved in litigation that can occur as a result of remote access to electronic court records. The proposed rules take into account the limited resources currently available in the trial courts. It is contemplated that the rules may be modified to provide greater electronic access as the courts' technical capabilities improve, and with the knowledge gained from the experience of the courts in providing electronic access under these rules.*

### **Rule 2071. Authority and applicability**

- (a) **[Authority]** The rules in this chapter are adopted under the authority granted to the Judicial Council by article VI, section 6 of the California Constitution and Code of Civil Procedure section 1010.6.
- (b) **[Applicability]** The rules in this chapter apply only to trial court records.
- (c) **[Access by parties and attorneys]** The rules in this chapter apply only to access to court records by the public. They do not limit access to court records by a party to an action or proceeding, by the attorney of a party, or by other persons or entities that are entitled to access by statute or California Rules of Court.

### **Rule 2072. Definitions**

- (a) **[Court record]** As used in this chapter, “court record” is any document, paper, or exhibit filed by the parties to an action or proceeding; any order or judgment of the court; and any item listed in subdivision (a) of Government Code section 68151, excluding any reporter’s transcript for which the reporter is entitled to receive a fee for any copy. The term does not include the personal notes or preliminary memoranda of judges or other judicial branch personnel.
- (b) **[Electronic record]** As used in this chapter, “electronic record” is a computerized court record, regardless of the manner in which it has been computerized. The term includes both a document that has been filed electronically and an electronic copy or version of a record that was filed in paper form. The term does not include a court record that is maintained only on microfiche, paper, or any other medium that can be read without the use of an electronic device.
- (c) **[The public]** As used in this chapter, “the public” is an individual, a group, or an entity, including print or electronic media, or the representative of an individual, a group, or an entity.
- (d) **[Electronic access]** “Electronic access” means computer access to court records available to the public through both public terminals at the courthouse and remotely, unless otherwise specified in these rules.

### **Rule 2073. Public access**

- (a) **[General right of access]** All electronic records must be made reasonably available to the public in some form, whether in electronic or in paper form, except those that are sealed by court order or are made confidential by law.
- (b) **[Electronic access required to extent feasible]** A court that maintains the following records in electronic form must provide electronic access to them, both remotely and at the courthouse, to the extent it is feasible to do so.

  - (1) Register of actions (as defined in Gov. Code, § 69845), calendars, and indexes; and
  - (2) All records in civil cases, except those listed in (c).
- (c) **[Courthouse electronic access only]** A court that maintains the following records in electronic form must provide electronic access to them at the courthouse, to the extent it is feasible to do so, but may provide remote electronic access only to the records governed by (b)(1):

  - (1) Any record in a proceeding under the Family Code, including, but not limited to, proceedings for dissolution, legal separation, and nullity of marriage; child and spousal support proceedings; and child custody proceedings;
  - (2) Any record in a juvenile court proceeding;
  - (3) Any record in a guardianship or conservatorship proceeding;
  - (4) Any record in a mental health proceeding;
  - (5) Any record in a criminal proceeding; and
  - (6) Any record in a civil harassment proceeding under Code of Civil Procedure section 527.6.
- (d) **[“Feasible” defined]** The requirement that a court provide electronic access to its electronic records “to the extent it is feasible to do so” means that a court is required to provide electronic access to the extent it determines it has the resources and technical capacity to do so.
- (e) **[Access only on case-by-case basis]** A court may only grant electronic access to an electronic record when the record is identified by the number of the case, the caption of the case, or the name of a party, and only on a case-by-case basis. This case-by-case limitation does not apply to a calendar, register of actions, or index.

- (f) **[Bulk distribution]** A court may provide bulk distribution of only its electronic calendar, register of actions, and index. “Bulk distribution” means distribution of all, or a significant subset, of the court’s electronic records.
- (g) **[Records that become inaccessible]** If an electronic record to which the court has provided electronic access is made inaccessible to the public by court order or by operation of law, the court is not required to take action with respect to any copy of the record that was made by the public before the record became inaccessible.
- (h) **[Off-site access]** Courts should encourage availability of electronic access to court records at public off-site locations.

*Advisory Committee Comment*

*The rule allows a level of access to all electronic records that is at least equivalent to the access that is available for paper records and, for some types of records, is much greater. At the same time, it seeks to protect legitimate privacy concerns.*

*Subdivision (c) excludes certain records (those other than the register, calendar, and indexes) in specified types of cases from remote electronic access. The committee recognized that while these case records are public records and should remain available at the courthouse, either in paper or electronic form, they often contain sensitive personal information. The court should not publish that information over the Internet.*

*Subdivisions (e) and (f) limit electronic access to records (other than the register, calendars, or indexes) to a case-by-case basis and prohibit bulk distribution of those records. These limitations are based on the qualitative difference between obtaining information from a specific case file and obtaining bulk information that may be manipulated to compile personal information culled from any document, paper, or exhibit filed in a lawsuit. This type of aggregate information may be exploited for commercial or other purposes unrelated to the operations of the courts, at the expense of privacy rights of individuals.*

## **Rule 2074. Limitations and conditions**

- (a) **[Means of access]** A court must provide electronic access by means of a network or software that is based on industry standards or is in the public domain.
- (b) **[Official record]** Unless electronically certified by the court, a trial court record available by electronic access does not constitute the official record of the court.
- (c) **[Conditions of use by persons accessing records]** A court may condition electronic access to its records on (1) the user’s consent to access the records only as instructed by the court and (2) the user’s consent to the court’s monitoring of access to its records. A court must give notice of these conditions, in any manner it deems appropriate. The court may deny access to a member of the public for failure to comply with any of these conditions of use.
- (d) **[Notices to persons accessing records]** A court must give notice of the following information to members of the public accessing its electronic records, in any manner it deems appropriate:

- (1) The court staff member to contact about the requirements for accessing the court's records electronically.
  - (2) That copyright and other proprietary rights may apply to information in a case file absent an express grant of additional rights by the holder of the copyright or other proprietary right. The notice should indicate that (A) use of such information is permissible only to the extent permitted by law or court order and (B) any use inconsistent with proprietary rights is prohibited.
  - (3) Whether electronic records constitute the official records of the court. The notice should indicate the procedure and any fee required for obtaining a certified copy of an official record of the court.
  - (4) Any person who willfully destroys or alters any court record maintained in electronic form is subject to the penalties imposed by Government Code section 6201.
- (e) **[Access policy]** A court must post a privacy policy on its public-access Web site to inform members of the public accessing its electronic records of the information it collects regarding access transactions and the uses that the court may make of the collected information.

#### **Rule 2075. Contracts with vendors**

A court's contract with a vendor to provide public access to its electronic records must be consistent with these rules and must require the vendor to provide public access to court records and to protect the confidentiality of court records as required by law or by court order. Any contract between a court and a vendor to provide public access to the court's records maintained in electronic form must specify that the court is the owner of these records and has the exclusive right to control their use.

#### **Rule 2076. Fees for electronic access**

A court may impose fees for the costs of providing public access to its electronic records, as provided by Government Code section 68150(h). On request, a court must provide the public with a statement of the costs on which these fees are based. To the extent that public access to a court's electronic records is provided exclusively through a vendor, the court must ensure that any fees the vendor imposes for the costs of providing access are reasonable.

#### **Rule 2077. Electronic access to court calendars, indexes, and registers of actions**

- (a) **[Intent]** The intent of this rule is to specify information to be included in and excluded from the court calendars, indexes, and registers of actions to which public access is available by electronic means under rule 2073 (b). To the extent it is feasible to do so,



the court must maintain court calendars, indexes, and registers of actions available to the public by electronic means in accordance with this rule.

**(b) [Minimum contents for electronically accessible court calendars, indexes, and register of actions]**

(1) The electronic court calendar must include:

- (A) Date of court calendar;
- (B) Time of calendared event;
- (C) Court department number;
- (D) Case number; and
- (E) Case title (unless made confidential by law.)

(2) The electronic index must include:

- (A) Case title (unless made confidential by law);
- (B) Party names (unless made confidential by law);
- (C) Party type;
- (D) Date on which the case was filed; and
- (E) Case number.

(3) The register of actions must be a summary of every proceeding in a case, in compliance with Government Code section 69845, and must include:

- (A) Date case commenced;
- (B) Case number;
- (C) Case type;
- (D) Case title (unless made confidential by law);
- (E) Party names (unless made confidential by law);
- (F) Party type;
- (G) Date of each activity; and
- (H) Description of each activity.

**(c) [Information that must be excluded from court calendars, indexes, and registers of action]** The following information must be excluded from a court's electronic calendar, index, and register of actions:

- (1) Social security number;
- (2) Any financial information;
- (3) Arrest warrant information;
- (4) Search warrant information;
- (5) Victim information;
- (6) Witness information;
- (7) Ethnicity;
- (8) Age;
- (9) Gender;
- (10) Government-issued identification card numbers (i.e., military);
- (11) Driver's license number; and
- (12) Date of birth.

Rule 2077 adopted effective July 1, 2003.

## California Rules of Court, Electronic Filing and Forms Generation

*Note: Following is a **copy** of an expired California Rule of Court.*

### DIVISION IV

#### Title 3, General Rules Applicable to All Courts

#### Rule 981.5. Electronic filing and forms generation

- (a) **[Applicability]** This rule applies to Judicial Council forms in any court participating in a pilot project for electronic filing or electronic generation of court documents.
- (b) **[Definitions]**
  - (1) "Electronic filing" is the electronic transmission to or from a court of information contained in a Judicial Council form that is required in case processing, provided that the information is readable upon receipt.
  - (2) "Electronic generation of a court document" is the electronic generation by a court of a Judicial Council form for an order, notice, judgment, or other document.
- (c) **[Electronic filing and forms generation pilot projects; conditions]** Any court that accepts electronic filings or provides electronic generation of court documents may modify Judicial Council forms for that purpose if its pilot project conforms to section 37 of the California Standards of Judicial Administration. Any court participating in an electronic filing pilot project shall send notice of the project to the Court Technology Advisory Committee and submit further informational reports as requested by the committee.
- (d) **[Equality of electronic and paper filings]** In a court conducting a pilot project, filing requirements applicable to a form referenced in this rule may be satisfied by electronic filing. Pilot projects must accommodate paper filing, but no paper form is required if an electronic form is filed.
- (e) **[Fees]** Before electronically filing a Judicial Council form, a filer is responsible for meeting the court's requirements for payment of any filing fee.
- (f) **[Expiration date]** Rule 981.5 is repealed January 1, 2003.

*Rule 981.5 adopted effective July 1, 2001.*

**Drafter's Notes**

*2001-Rule 981.5 was adopted in 1998 to allow a number of courts to develop electronic filing pilot projects that would test alternative approaches and provide experience that would assist the Court Technology Advisory Committee in developing permanent electronic filing rules. The rule was repealed by its own terms on January 1, 2001. The rule is reinstated and the expiration date extended to January 1, 2003, to allow trial courts sufficient time to complete pilot projects and report their results to the Court Technology Advisory Committee. On that date, new rules drafted by the committee in response to Code of Civil Procedure section 1010.6(b), which requires the Judicial Council to adopt uniform electronic filing rules, will become effective.*

